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Date: September 15, 2003

Docket No.: 0259-0417P

MS PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional ☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/925,000 filed on August 8, 2001, the entire contents of which are hereby incorporated by reference, by

Gunter KIRSCHNER, Giampaolo MENON, and Susanna VACCARO

for

PROCEDURE FOR THE PREPARATION OF PURE PHOSPHATIDES AND THEIR USE
IN THE COSMETIC, PHARMACEUTICAL AND ALIMENTARY FIELDS

1. ☒ Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).
2. ☒ The filing fee has been calculated as follows:

| | | | LARGE ENTITY | SMALL ENTITY |
|--|-----------------|-----------------|-----------------|---------------|
| BASIC FEE | | | \$750.00 | \$375.00 |
| | NUMBER FILED | NUMBER EXTRA | RATE FEE | RATE FEE |
| TOTAL CLAIMS | 23-20 = | 3 | x 18 = \$54.00 | x 9 = \$0.00 |
| INDEPENDENT CLAIMS | 7-3 = | 4 | x 84 = \$336.00 | x 42 = \$0.00 |
| <input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED | | | + \$280.00 | + \$140.00 |
| | | TOTAL | \$1,420.00 | \$0.00 |

3. ☒ A check in the amount of \$1,420.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☐ Enclosed is/are _____ (____) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 09/925,000 on _____. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to Fidia Farmaceutici S.p.A.
8. ☐ A Preliminary Amendment is enclosed.
- 9a. ☒ Priority of Application No(s). PD2001 A 000031 filed in Italy on February 9, 2001 is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on February 9, 2001.
- 9b. ☐ Priority of International Appln. _____ filed on _____ under the Patent Cooperation Treaty and _____

Application No. _____ filed in _____ on _____ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

10. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

11. ☒ Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

or

Customer No. 02292

12. ☐ An extension of time for _____ () month(s) until _____ has been submitted in parent Application No. 09/925,000 in order to establish co-pendency with the present application.

13. ☒ Also enclosed herewith is the following:

Combined Declaration & Power of Attorney

Cover Letter/Priority Document PD2001 A 000031

Express Mail Certificate (EL 991623909 US)

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Leonard R. Svensson, #30,330

LRS/KR/sml
0259-0417P

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Attachment(s)

MS PATENT APPLICATION
PATENT
0259-0417P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: KIRSCHNER et al. Conf.:

Appl. No.: NEW Group: 1651
Filed: August 1, 2003 Examiner: MARX, IRENE
For: PROCEDURE FOR THE PREPARATION OF PURE
PHOSPHATIDES AND THEIR USE IN THE
COSMETIC, PHARMACEUTICAL AND ALIMENTARY
FIELDS

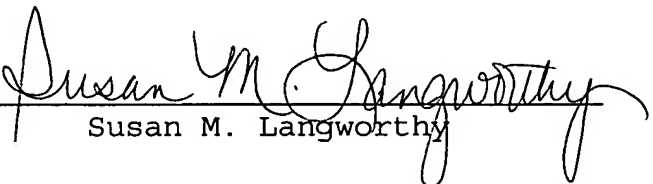
EXPRESS MAIL CERTIFICATE

DATE DEPOSITED: September 15, 2003

I hereby certify that the enclosed Divisional Patent Application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to MS PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.: EL 991623909 US

Date: September 15, 2003


Susan M. Langworthy

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